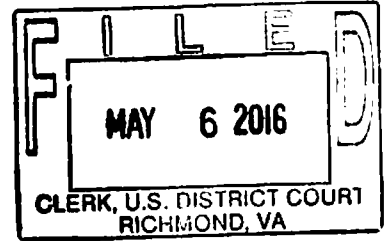


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



OTIS T. MADISON,

Petitioner,

v.

DIRECTOR OF THE VIRGINIA
DEPARTMENT OF CORRECTIONS,

Respondent.

Civil Action No. 3:15CV422-HEH

MEMORANDUM OPINION

(Adopting Report and Recommendation and Dismissing Action)

Otis T. Madison, a Virginia inmate proceeding *pro se*, filed this petition for habeas corpus under 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 1) challenging his convictions in the Circuit Court of the City of Richmond for first-degree murder and use of a firearm in commission of a murder, as well as his thirty-five-year sentence. On April 15, 2016, the Magistrate Judge recommended that the § 2254 Petition be dismissed for lack of merit. The Court advised Madison that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Madison has not responded.


“The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate’s report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge’s recommendation without conducting a de novo review. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, the Report and Recommendation will be accepted and adopted. The Motion to Dismiss (ECF No. 8) will be granted. Madison’s claims and the action will be dismissed. The Court will deny a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: May 5, 2016
Richmond, Virginia


_____/s/
Henry E. Hudson
United States District Judge